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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/625,625	07/24/2003	Shinichiro Fujita	116667	9057
25944 7590 05/10/2007 OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320			EXAMINER AUVE, GLENN ALLEN	
			ART UNIT 2111	PAPER NUMBER
			MAIL DATE 05/10/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/625,625

Applicant(s)

FUJITA ET AL.

Examiner

Glenn A. Auve

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>7/24/03&amp;8/3/04</u> . | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement filed 24 July 2003 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because the references are listed by attorney docket number and are therefore not accessible to the examiner. It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609.05(a).

### ***Drawings***

2. Figures 1-4, 16A, 16B, 17A, and 17B, at least, should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. Any of the drawings that are not applicant's invention should be so designated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 12 and 13 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 12 and 13 are directed to "A program" which is not statutory subject matter. Since the claims only recite a program that is not tangibly embodied in a manner so as to be executable they are directed to non-statutory subject matter.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Serial Bus Protocol 2 (SBP-2) as further evidenced by Firewire System Architecture: Second Edition IEEE 1394a by Anderson and also exemplified by Bard, U.S. Pat. No. 6,445,678 B1.

As noted in the Foreword of the SBP-2 specification, the standard defines a transport protocol for the IEEE 1394 standard serial bus.

As per claim 1, SBP-2 shows a data transfer control system for data transfer through a bus, comprising: a port controller which controls a plurality of ports including a first port for connecting with a first electronic instrument and a second port for connecting with a second electronic instrument (inherent in an IEEE 1394 architecture system as exemplified at least by figs.1 and 2 of Bard); and a bus reset issue controller which issues a bus reset that clears node

topology information (inherent in an IEEE 1394 bus reset sequence, see at least Anderson, p. 267), wherein the port controller sets the second port to a disabled state and the bus reset issue controller issues the bus reset to cause the first electronic instrument connected with the first port to acquire an access right (SBP-2, section 9.1.4 and figure 52, wherein the reset state for a node transitions to the suspend state depending on the inputs and likewise another device can be placed in the active state and given access to the bus). SBP-2 shows all of the elements recited in claim 1.

As for claim 2, the argument for claim 1 applies. SBP-2 also shows that the port controller sets the second port to an enabled state after the bus reset has been issued and the first electronic instrument connected with the first port has acquired the access right (SBP-2, section 9.1.4 and figure 52). SBP-2 shows all of the elements recited in claim 2.

As for claim 3, the argument for claim 2 applies. SBP-2 also shows a packet processor which performs processing for transferring a packet used to resume from a suspended state to the second electronic instrument connected with the second port after the second port has been set to an enabled state and the second electronic instrument has been detected to be in a suspended state (SBP-2, section 9.1.4 and figure 52). SBP-2 shows all of the elements recited in claim 3.

As for claim 4, the argument for claim 3 applies. SBP-2 also shows that the bus reset issue controller issues a bus reset after the packet used to resume from the suspended state has been transferred to the second electronic instrument (SBP-2, section 9.1.4 and figure 52). SBP-2 shows all of the elements recited in claim 4.

As for claim 5, the argument for claim 2 applies. SBP-2 also shows that the port controller sets the second port to a disabled state again when the first electronic instrument connected with the first port has lost the access right after the second port has been set to an

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enabled state (SBP-2, section 9.1.4 and figure 52). SBP-2 shows all of the elements recited in claim 5.

As for claim 8, the argument for claim 1 applies. SBP-2 also shows an electronic instrument for expanding a function of a first electronic instrument connected with a first port, the electronic instrument comprising: the data transfer control system as defined in claim 1 (see above); and a plurality of ports including the first port for connecting with the first electronic instrument and a second port for connecting with a second electronic instrument (as exemplified by Bard as noted above). SBP-2 shows all of the elements recited in claim 8.

As for claim 10, the argument for claim 8 applies. SBP-2 also shows that the port controller sets the second port to a disabled state when a port of the first electronic instrument has been connected with the first port and the power for the electronic instrument has been turned on (SBP-2, section 9.1.4 and figure 52). SBP-2 shows all of the elements recited in claim 10.

As per claim 6, SBP-2 shows a data transfer control system for data transfer through a bus, comprising: a port controller which controls a plurality of ports including a first port for connecting with a first electronic instrument and a second port for connecting with a second electronic instrument, wherein the port controller sets the second port to a disabled state when the power for the data transfer control system has been turned on (all as noted above for claim 1 and also in Anderson p.274 which shows the sources of a bus reset including a power state change). SBP-2 shows all of the elements recited in claim 6.

As for claim 7, the argument for claim 6 applies. SBP-2 also shows that the power for the data transfer control system is turned on when a port of the first electronic instrument has been connected with the first port (inherent). SBP-2 shows all of the elements recited in claim 7.

As for claim 9, the argument for claim 6 applies. SBP-2 also shows an electronic instrument for expanding a function of a first electronic instrument connected with a first port, the electronic instrument comprising: the data transfer control system as defined in claim 6 (see above); and a plurality of ports including the first port for connecting with the first electronic instrument and a second port for connecting with a second electronic instrument (as exemplified by Bard as noted above). SBP-2 shows all of the elements recited in claim 9.

As for claim 11, the argument for claim 9 applies. SBP-2 also shows that the port controller sets the second port to a disabled state when a port of the first electronic instrument has been connected with the first port and the power for the electronic instrument has been turned on (SBP-2, section 9.1.4 and figure 52). SBP-2 shows all of the elements recited in claim 11.

As per claim 12, SBP-2 shows a program which causes a data transfer control system to function as: a port controller which controls a plurality of ports including a first port for connecting with a first electronic instrument and a second port for connecting with a second electronic instrument; and a bus reset issue controller which issues a bus reset that clears node topology information, wherein the port controller sets the second port to a disabled state and the bus reset issue controller issues the bus reset to cause the first electronic instrument connected with the first port to acquire an access right (as shown above for claim 1). SBP-2 shows all of the elements recited in claim 12.

As per claim 13, SBP-2 shows a program which causes a data transfer control system to function as: a port controller which controls a plurality of ports including a first port for connecting with a first electronic instrument and a second port for connecting with a second electronic instrument, wherein the port controller sets the second port to a disabled state when

the power for the data transfer control system has been turned on (as shown above for claim 6).

SBP-2 shows all of the elements recited in claim 13.

As per claim 14, SBP-2 shows a data transfer control method for data transfer through a bus, the method comprising: controlling a plurality of ports including a first port for connecting with a first electronic instrument and a second port for connecting with a second electronic instrument to set the second port to a disabled state; and issuing a bus reset that clears node topology information after the second port has been set to a disabled state to cause the first electronic instrument connected with the first port to acquire an access right (as noted above for claim 1). SBP-2 shows all of the steps recited in claim 14.

As for claim 15, the argument for claim 14 applies. SBP-2 also shows setting the second port to an enabled state after the bus reset has been issued and the first electronic instrument connected with the first port has acquired the access right (SBP-2, section 9.1.4 and figure 52). SBP-2 shows all of the steps recited in claim 15.

As for claim 16, the argument for claim 15 applies. SBP-2 also shows transferring a packet used to resume from a suspended state to the second electronic instrument connected with the second port after the second port has been set to an enabled state and the second electronic instrument has been detected to be in a suspended state (SBP-2, section 9.1.4 and figure 52). SBP-2 shows all of the steps recited in claim 16.

As for claim 17, the argument for claim 16 applies. SBP-2 also shows issuing a bus reset after the packet used to resume from the suspended state has been transferred to the second electronic instrument (SBP-2, section 9.1.4 and figure 52). SBP-2 shows all of the steps recited in claim 17.

As for claim 18, the argument for claim 15 applies. SBP-2 also shows setting the second port to a disabled state again when the first electronic instrument connected with the first port



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has lost the access right after the second port has been set to an enabled state (SBP-2, section 9.1.4 and figure 52). SBP-2 shows all of the steps recited in claim 18.

As per claim 19, SBP-2 shows a data transfer control method for data transfer through a bus, the method comprising: controlling a plurality of ports including a first port for connecting with a first electronic instrument and a second port for connecting with a second electronic instrument; and setting the second port to a disabled state when the power for a data transfer control system has been turned on (as noted above for claim 6). SBP-2 shows all of the steps recited in claim 19.

As for claim 20, the argument for claim 19 applies. SBP-2 also shows that the power for the data transfer control system is turned on when a port of the first electronic instrument has been connected with the first port (inherent). SBP-2 shows all of the steps recited in claim 20.

### ***Conclusion***

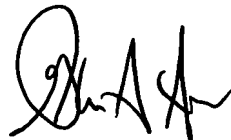
6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The other cited references show serial bus systems.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Glenn A. Auve whose telephone number is (571) 272-3623. The examiner can normally be reached on M-F 8:00 AM-5:30 PM, every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Rinehart can be reached on (571) 272-3632. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Glenn A. Auve  
Primary Examiner  
Art Unit 2111

gaa  
8 May 2007